IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Riggs Technology Holdings, LLC,	Case No. 1:18-cv-01105-MN
Plaintiff,	Patent Case
v.	Jury Trial Demanded
Medscape, LLC; Web MD, LLC	
Defendants.	

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Riggs Technology Holdings, LLC ("Riggs"), through its attorney, complains of

Medscape, LLC and WebMD, LLC ("Defendants"), and alleges the following:

PARTIES

1.   Plaintiff Riggs Technology Holdings, LLC is a corporation organized and existing

under the laws of New Mexico and maintains its principal place of business at 117 Bryn Mawr

Drive SE, Ste 101, Albuquerque, NM 87106.

2.   Defendant Medscape, LLC is a corporation organized and existing under the laws

of Delaware that maintains its principal place of business at 395 Hudson Street, 3rd Floor, New

York, NY 10014.

3.   Defendant WebMD, LLC is a corporation organized and existing under the laws

of Delaware that maintains its principal place of business at 1201 Peachtree Street, NE, 400

Colony Square, Suite 2100, Atlanta, GA 30361.

<div align="center">JURISDICTION</div>

4.   This is an action for patent infringement arising under the patent laws of the

United States, Title 35 of the United States Code.

5.   This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and

1338(a).

6.   This Court has personal jurisdiction over Defendants because they have engaged

in systematic and continuous business activities in the District of Delaware. Specifically,

Defendants provide their full range of services to residents in this District. As described below,

Defendants have committed acts of patent infringement giving rise to this action within this

District.

<div align="center">VENUE</div>

7.   Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendants

have committed acts of patent infringement in this District and are incorporated in Delaware. In

addition, Riggs has suffered harm in this district.

<div align="center">PATENT-IN-SUIT</div>

8.   Riggs is the assignee of all right, title and interest in United States Patent No.

7,299,067 (the "'067 Patent") (hereinafter "Patent-in-Suit"), including all rights to enforce and

prosecute actions for infringement and to collect damages for all relevant times against infringers

of the Patent-in-Suit. Accordingly, Riggs possesses the exclusive right and standing to prosecute

the present action for infringement of the Patent-in-Suit by Defendants.

The '067 Patent

9.   On November 20, 1997, the United States Patent and Trademark Office issued the

'067 Patent. The '067 Patent is titled "Methods and Systems for Managing the Provision of

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Training Provided Remotely through Electronic Data Networks to User of Remote Electronic Devices." The application leading to the '067 Patent was filed on October 11, 2002, which claims priority from provisional application number 60/329,088, which was filed on October 12, 2001. A true and correct copy of the '067 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10.   The '067 Patent is valid and enforceable.

11.   The inventors recognized that there was a need for a more effective and efficient means of training in the workforce. Ex. A, 1:39–48.

12.   The '067 Patent describes systems and methods in which a hand-held device remotely provides interactive online education and training managed by an application server. Ex. A, 4:4–25.

COUNT I: INFRINGEMENT OF THE '067 PATENT

13.   Riggs incorporates the above paragraphs herein by reference.

14. **Direct Infringement.** Defendants have been and continue to directly infringe at least claim 1 of the '067 Patent in this District and elsewhere in the United States by performing the steps of "managing training completed remotely at a hand held device," for example, Defendants' application gives users training in the health and medical fields on their mobile devices. Defendants' application servers send users training videos and assignments to their smartphones or tablets. Once users log into the mobile application, they can choose from multiple training courses and videos in their desired field and area of specialization. The application tracks users' progress towards earning certification and course credit. *See* Figure

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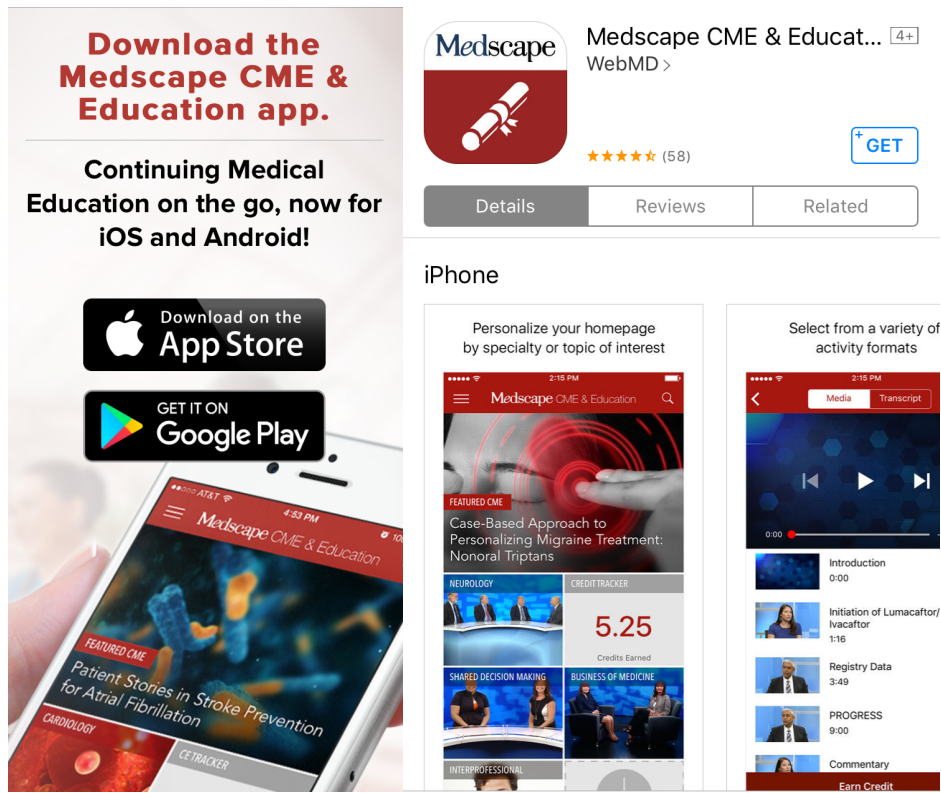1; https://itunes.apple.com/us/app/medscape-cme-education/id1006678314?mt=8

Figure 1. Defendants' product gives users training in the health and medical fields on their mobile devices.

15. The Defendants' product performs the steps of claim element 1(a): "receiving at a training server through a data network from a user of a hand held device, the training data representing training taken by the user at hand held device." For example, Defendants' application servers send users training videos and assignments to their smartphone or tablet and tracks their progress towards earning course credit. *See* Figure 2;

https://itunes.apple.com/us/app/medscape-cme-education/id1006678314?mt=8.

Description

The FREE Medscape CME & Education app helps healthcare professionals stay knowledgeable about the latest medical information while fulfilling continuing education (CME/CE, ABIM MOC) requirements right from their iPhone or iPad.

Medscape Education is the leading source for online continuing medical education (CME, ABIM MOC), issuing millions of certificates, across 30+ specialties. Choose from a wide selection of activity formats across an assortment of clinical topics, each with a clear purpose and set of benefits to meet your educational needs.

Medscape Education (Medscape, LLC) is ACCME-, ANCC-, and ACPE-accredited. All of our courses are independently developed by a team of scientific directors who work in cooperation with leading faculty from major academic institutions.

Figure 2. Defendants' application servers send users training videos and assignments to their smartphone or tablet and tracks their progress towards earning course credit.

16.   The Defendants' product performs the steps of claim element 1(b): "receiving identifying information for the user of a hand held device concurrently with the training data file." For example, users must enter a username and password to access Defendants' application. Defendants' application server receives users' login information to identify them and accesses their training data. *See* Figure 3; https://itunes.apple.com/us/app/medscape-cme-education/id1006678314?mt=8.
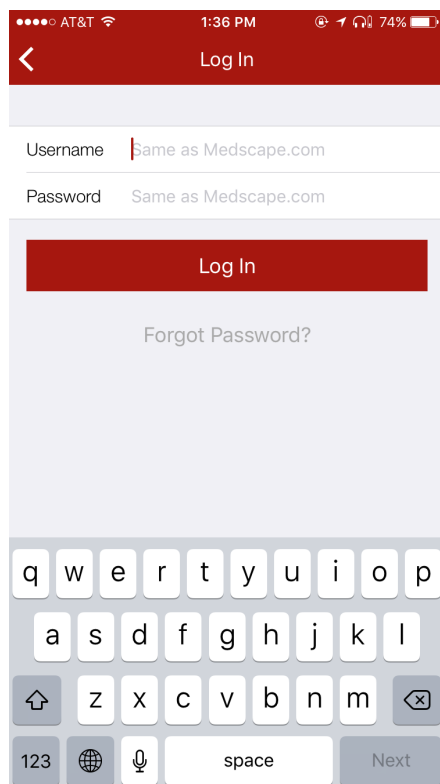
Figure 3. Users must enter a username and password to access Defendants' application.

17.   The Defendants' product performs the steps of claim element 1(c): "identifying the user of the hand held device." For example, users must enter a username and password to access Defendants' application. *See* Figure 3.

18.   The Defendants' product performs the steps of claim element 1(d): "authenticating the identity of the user of hand held device by requesting authentication data from the user and comparing the authentication data with a master identification template containing authentication data associated with the user and accessible by the training server to determine if said comparison authenticates the user's identify (identity) as an authorized trainee." For example, Defendants' application server receives users' login information and compares their login information against the login credentials of the users' account. *See* Figure 3.

19. The Defendants' product performs the steps of claim element 1(e): "recording the training

   data in memory associated with the training server." For example, Defendants' application

   and application server track users' progress towards earned credits and certificates. *See*

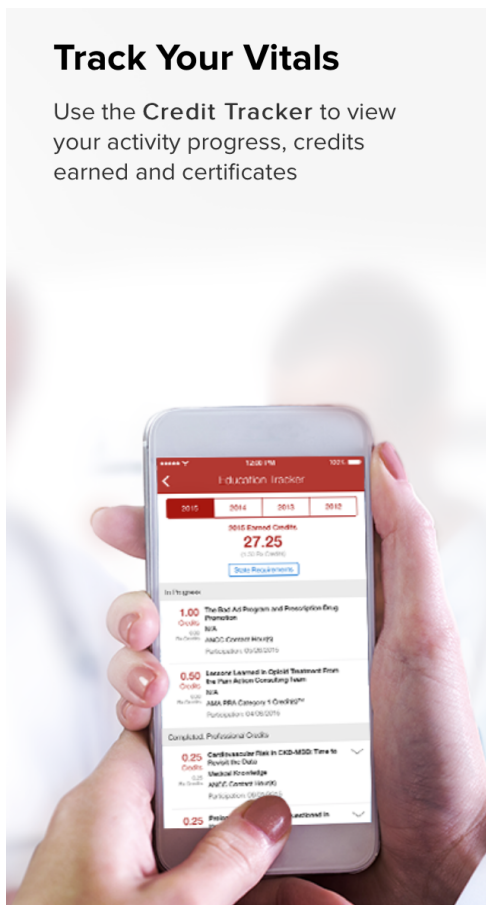   Figure 4; https://www.medscape.com/public/cmeapp.

Figure 4. Defendants' application and application server track users' progress towards earned credits and certificates.

20. The Defendants' product performs the steps of claim element 1(f): "locating at least one

   training file contained within the training data." For example, once users log into the mobile

   application, they can choose from multiple training courses and videos in their desired field

   and area of specialization. *See* Figure 5; https://www.medscape.com/public/cmeapp.
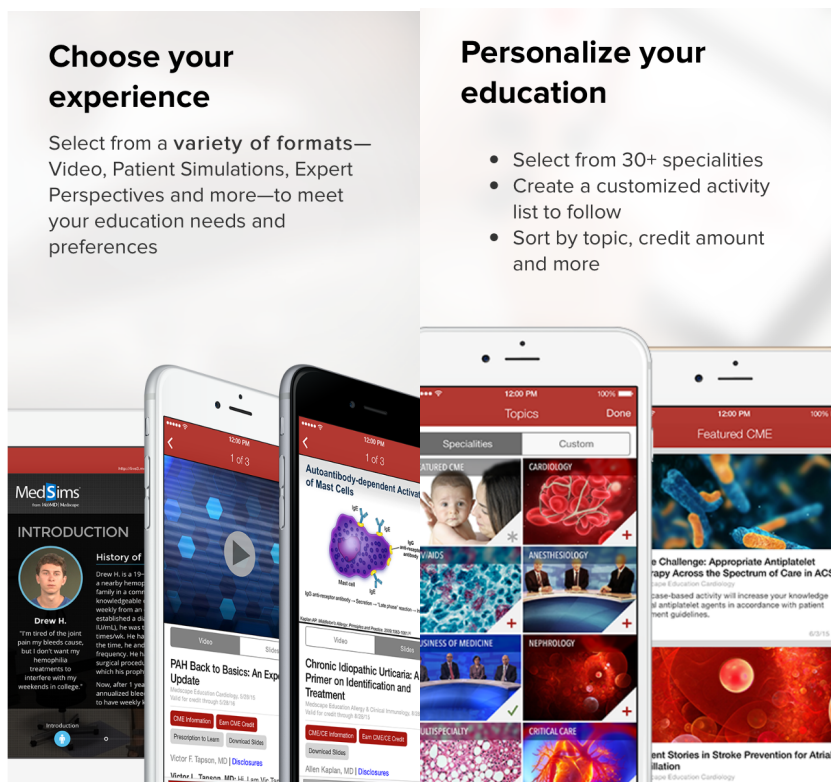
Figure 5. Once users log into the mobile application, Defendants' product allows them to choose from multiple training courses and videos in their desired field and area of specialization.

21.   The Defendants' product performs the steps of claim element 1(g): "determining the status of the training file by comparing the training file with an associated master training template accessible from memory by the training server, the status including a determination if training represented by the training file meets a set criterion including at least one of: pending, incomplete, failed, passed." For example, Defendants' application server tracks users' activities credits and certificates through the Personal Credit Tracker and maintains a record of the user's progress. In addition, the Personal Credit Tracker maintains a record of all credits completed by the user. *See* Figure 6; https://itunes.apple.com/us/app/medscape-cme-education/id1006678314?mt=8.

Features:

Customize your Experience
•   Choose your content by specialty, topic of interest or
format
•   Create a customized activity list to follow

CME Tracker
•   Personal Credit Tracker lets you keep track of your
activities, credits and certificates. All credits, completed or
in-progress, are automatically tracked in your Credit Tracker.
You can easily view your progress anywhere at your
convenience. Convenient online/mobile access
•   The Credit Tracker is synched across all devices to
allow you to easily switch between your computer and
mobile device while you work on an activity. You can also
access Medscape CME & Education any time via an internet
browser at www.medscape.org

*Figure 6. Defendants' application server tracks users' activities, credits and certificates
through the Personal Credit Tracker, and maintains a record of the user's progress. In
addition, the Personal Credit Tracker maintains a record of all credits completed by the
user.*

22.   The Defendants' product performs the steps of claim element 1(h): "recording

training status in memory." For example, Defendants' mobile application also maintains a

record of information from the Personal Credit Tracker, including all information relating to the

user's completion status of a program, which can be viewed on the user's devices. *See* Figure 6.

23.   **Induced Infringement.** Defendants have also actively induced, and continues to

induce, the infringement of at least claim 1 of the '067 Patent by actively inducing its customers,

including merchants and end-users, to use the Defendants' product in an infringing manner as

described above. Upon information and belief, Defendants have specifically intended that its

customers use the Defendants' product that infringes at least claim 1 of the '067 Patent by, at a

minimum, providing access to, support for, training and instructions for its website to its

customers to enable them to infringe at least claim 1 of the '067 Patent, as described above.

Even where performance of the steps required to infringe at least claim 1 of the '067 Patent is

accomplished by Defendants and Defendants' customers jointly, Defendants are responsible for

the actions that cause each of the steps of at least claim 1 of the '067 Patent to be performed.

24.   Riggs is entitled to recover damages adequate to compensate it for such

infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

25.   Riggs will continue to be injured, and thereby caused irreparable harm, unless and

until this Court enters an injunction prohibiting further infringement.

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JURY DEMAND

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26.   Under Rule 38(b) of the Federal Rules of Civil Procedure, Riggs respectfully

requests a trial by jury on all issues so triable.

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PRAYER FOR RELIEF

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WHEREFORE, Riggs asks this Court to enter judgment against Defendants, granting the

following relief:

A.   A declaration that Defendants have infringed the Patent-in-Suit;

B.   An award of damages to compensate Riggs for Defendants' direct infringement of
       the Patent-in-Suit;

C.   An order that Defendants and their officers, directors, agents, servants, employees,
       successors, assigns, and all persons in active concert or participation with them, be
       preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35
       U.S.C. § 283;

D.   An award of damages, including trebling of all damages, sufficient to remedy
       Defendants' infringement of the Patent-in-Suit under 35 U.S.C. § 284;

E.   A declaration that this case is exceptional, and an award to Riggs of reasonable

attorneys' fees, expenses and costs under 35 U.S.C. § 285;

F.   An award of prejudgment and post-judgment interest; and

G.   Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2018, I electronically filed the above documents with the Clerk of Court using CM/ECF, which will send electronic notification of such filings to all registered counsel.

/s/Stamatios Stamoulis
Stamatios Stamoulis (#4606)